

U.S. ARMY CORPS OF ENGINEERS
NASHVILLE DISTRICT
CHEATHAM LAKE

2005 SHORELINE MANAGEMENT PLAN
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**U.S. ARMY CORPS OF ENGINEERS
NASHVILLE DISTRICT
CHEATHAM LAKE**

**SHORELINE MANAGEMENT PLAN
APPENDIX G TO PART II
OPERATIONAL MANAGEMENT PLAN**

2005 DRAFT UPDATE

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1. **Authority.** The authority for the preparation of this document is contained within ER 1130-2-406.

2. **References.**

a. The National Environmental Policy Act of 1969, PL 91-190, as implemented by ER 200-2-2.

b. ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies.

c. ER 1130-2-406, Shoreline Management at Civil Works Projects.

d. EC 1130-2-540, Evaluating Requests for Development or Use of Corps Land and Water Resources.

e. Sections 10 and 13, Rivers and Harbors Act of 1899 (33 USC 403).

f. Section 404 of the Clean Water Act (PL 92-500, 86 STAT 316, 33 USC 1344).

g. Title 36, Chapter III, Part 327, Code of Federal Regulations, Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers.

h. Section 6, PL 97-140, as amended by Section 1134(d), PL 99-662.

i. National Historic Preservation Act of 1966 (PL 89-665; 80 STAT 915) as amended (16 USC 470 et. seq.)

j. 33 CFR 320-330, Regulatory Programs of the Corps of Engineers.

k. *Federal Register*, Vol. 61, No. 10, Tuesday, January 15, 2002, "Issuance of Nationwide Permits; Notice."

l. CEORDR 405-2-13, Issuance of Minor Licenses and Permits at Water Resources Projects.

m. *Federal Register*, Volume 63, No. 126, July 1, 1998, "Shoreline Use Permits, Flotation."

3. **Purpose.** This Shoreline Management Plan provides policies and guidelines for the effective long-range management of the shoreline resources of Cheatham Lake. Cheatham Lake is a popular site for a variety of outdoor recreational activities. Recreational demands and pressures associated with adjacent development increase each year, yet the total amount of public land and water area remains fixed. Sound management is necessary to provide optimum use of finite project¹ resources for present and future generations. This plan complements the project Operational Management Plan, Part II, and is an appendix to it.

4. **Objectives of the Plan.** The key objective of this plan is to balance private shoreline uses with the preservation of the natural environmental conditions of Cheatham Lake. In accordance with our responsibilities under the provisions of the National Environmental Policy Act of 1969, fundamental goals of management of lake resources are to establish and maintain acceptable fish and wildlife habitat, preserve aesthetic qualities, and promote the safe and healthful use of the lake and surrounding public lands by the general public.

Residential development of adjacent private property has resulted in an increasing demand for private exclusive use of the shoreline. In the absence of sound management, the shoreline could be cleared of natural vegetation and become congested with private moorage facilities and other structures. Public lands that are available to all the people could be converted to the appearance of private property of adjoining landowners. This plan contains definitive guidance to balance those private exclusive uses of public resources while providing natural environmental conditions for the use and enjoyment of the general

¹ The term, "project," refers to public water resources development project.

public. The development of this plan has included full consideration of existing permitted private use facilities or privileges and prior commitments made regarding them.

Applications for commercial barge terminals, marinas, public parks and other governmental facilities, and similar activities that are not associated with private recreational use by adjoining residents are generally not within the scope of the shoreline allocations of this plan. Such major activities require a Department of the Army permit and/or a real estate outgrant. Such Requests will be evaluated in accordance with the project Master Plan, Operational Management Plan, applicable laws and regulations, and project operating guidelines.

5. Description of the Lake. Cheatham Lock and Dam was authorized by the River and Harbor Act of July 24, 1946, as a navigation project. Public Law 396 provided additional authorization in 1952 for hydroelectric power generating facilities as a project function.

Authorization for the construction and maintenance of public recreation facilities at Corps lakes is found in Section 4 of the Flood Control Act of 1944 and the Federal Water Project Recreation Act of 1965 (PL 89-72).

Subsequent federal laws have addressed water quality and fish and wildlife conservation at Corps lakes. The Federal Water Pollution Control Act Amendments of 1972, PL 92-500, affirm the objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Additionally, the Fish and Wildlife Coordination Act (FWCA) of 1959, PL 85-624, and PL 86-717 of September 1960 provide authority to evaluate, protect, and enhance fish and wildlife resources. Section 661 of the FWCA provides that fish and wildlife conservation shall receive equal consideration with other project purposes.

Cheatham Lake extends 67.5 miles up the Cumberland River from Cheatham Lock and Dam at Mile 148.7 to Old Hickory Lock and Dam at Mile 216.2. At Normal Pool Elevation 385 (feet above mean sea level), the lake has 320 miles of shoreline and 7,450 acres of surface area. Cheatham is a "run-of-the-river" multipurpose water resource project. Unlike other Cumberland River projects, it does not have a designated capacity for regulating flood storage.

Cheatham Lake is located in the Western Highland Rim and Central Basin Regions of the Central Highlands Physiographic Province of Tennessee. The terrain in the lake area ranges from broad

floodplains to moderate to steep ridges. The lower portion of the lake flows through an area interspersed with farmland, hardwood forests, and residential development. Some industrial development, however, is present in the Town of Ashland City, Tennessee. The upper reaches of the lake meander through the heart of Nashville, Tennessee, a highly industrialized and urbanized center.

The land acquisition policy for Cheatham Lake was conservative in nature and limited acquisition to a guide taking line on the Elevation 390 contour commencing at the dam and extending to the Cheatham-Davidson County line. This policy generally limited public land acquisition to a fairly narrow fringe around the lake. There are 2,667 acres of public lands above the normal pool elevation. Predominantly flowage easements were acquired in the upper portion of the lake, which is located in Davidson and Sumner Counties. A total of 1,209 acres of flowage easement was acquired.

6. **Present Land Use.** The Corps of Engineers operates 9 public recreation areas and 3 secondary access points containing a total of 284 acres on Cheatham Lake. The Metropolitan Government of Nashville-Davidson County operates 3 areas on federal property for municipal recreation, Lock One, Lock Two, and Riverfront Parks. These leased areas contain 5.62, 8.62 acres, and 5.32 acres respectively. In addition to their other recreational amenities, Lock Two Park provides boat-launching facilities, while Riverfront Park offers short-term moorage. Lock One Park functions primarily as urban green space.

The Metro Parks Department also operates Shelby Park, Shelby Bottoms Greenway, and Peeler Park on municipal property where the Corps of Engineers holds flowage easements along the shoreline. Public launching facilities are available at Shelby and Peeler Parks. A floating dock for temporary pleasure craft moorage and a riverboat landing are present on the east bank adjacent to the site of the National Football League Stadium. The Metro Development and Housing Agency constructed these facilities.

River Bluff Park, operated by the Town of Ashland City, includes 8.7 acres of leased federal property and 1.1 acres where the government holds a flowage easement estate. A launching ramp, courtesy float, and bank fishing area are provided on the shoreline. Athletic fields, restrooms, and other amenities are provided on adjoining city property. The area is located immediately upstream of State Route 49 on the right bank of the lake. The Government of Cheatham County has an easement to

maintain a launching area on 0.37 acres of federal land on Sams Creek. This area is located where River Road (State Route 251) crosses the creek.

Riverview Marina, a small commercial dock in Ashland City, provides transient moorage, dockside fuel sales, and a restaurant to the general public. Two full-service private marinas, Commodore Yacht Club and Rock Harbor Marina, are located on flowage easement and private property in west Nashville in the upper portion of the lake.

Under a license from the Corps of Engineers, the Tennessee Wildlife Resources Agency (TWRA) conducts an active fish and wildlife management program on 2,796.31 acres of federal land and water areas. TWRA exercises hunting control rights on 2,502.5 additional acres, for a total outgrant of 5,298.81 acres of lands and waters at Cheatham Lake. Additionally, the Resource Manager carries out wildlife management practices on approximately 83 acres not actively managed by TWRA.

7. **Residential Development on Adjoining Property.** Davidson County currently has a population of approximately 569,891, and the greater Nashville statistical area has an estimated population of 1,230,000. Cheatham Dam is just a short drive from downtown Nashville. The portion of the lake flowing through the Nashville urban area is bordered by both residential and industrial development. In most of this section of the lake, however, only flowage easements were acquired along the shoreline.

Almost all of the federally owned public lands around Cheatham Lake lie in Cheatham and Dickson Counties. When the lake was constructed, the surrounding areas in these two counties were primarily agricultural. Since then, considerable residential development has occurred. Development of private property adjoining the public property around the lake has been encouraged by generally favorable terrain, minimal holdings of public property, and proximity to population centers.

Economic development in the region, highway improvements, and increasing demand for "lakefront" property will result in continued residential development on the private property adjoining public property. This development will also continue along the upper portion of the lake, where only flowage easements were acquired. Consequently, requests for private moorage, as well as private residential mowing privileges on public lands, will continue to increase.

8. **Existing Access.** The shoreline and waters of Cheatham Lake are easily accessible to visitors and adjacent property owners alike. There are 17 public launching ramps that provide access to the lake for recreational users. Nearly all of the developed subdivisions adjoining the project are within a few minutes drive of one or more of these launching ramps. In many areas, the gradual slope of the land provides for easy pedestrian access to the lake by adjacent private property owners.

9. **Development of the Shoreline Management Plan.** Beginning in 1952, permits for private docks were routinely issued in accordance with the land use policy outlined in the project Master Plan. In addition to dock permits, outgrants such as pipeline licenses, hay and/or grazing leases, and letters of no objection for landscaping were generally issued if the proposed work did not adversely affect project operations or interfere with public access.

A Lakeshore Management Plan for Cheatham Lake was implemented in October 1979. Its basic functions were to ensure the proper long-range management of public resources by establishing guidelines for the types of permitted facilities and/or work authorized and to clearly identify areas where mowing, dock privileges, and other private uses would and would not be permitted.

In October 1990, Corps of Engineers Regulation ER 1130-2-406 provided updated directives concerning the Lakeshore Management Plan, including a change in the name of this plan to the Shoreline Management Plan. In October 1991, the Cheatham Lake staff began a public involvement process to review and update the 1979 Lakeshore Management Plan. This resulted in the implementation of a revised plan in October 1992.

After five years, the 1992 Shoreline Management Plan was reviewed, and work to prepare an update commenced. The shoreline allocation maps that were part of the plan were examined and revised. In particular, reaches of the shoreline where private docks would cause unacceptable navigational impacts and the Nashville commercial waterfront area were rezoned as protected. The Resource Manager held public information workshops on the update of the plan in March and April 1999. The evaluation of issues identified in the public involvement process and an examination of other pertinent information developed during the

ensuing period resulted in the implementation of the current Shoreline Management Plan in May 2000.

The draft update of the 2000 plan presented herein is based on the accumulation of information gathered during the time the plan has been effect. Changes to shoreline allocations (i.e., limited development to protected) are proposed in five areas. These areas are identified on maps that will be available at public workshops. The Resource Manager will evaluate the comments received during the public involvement process, seek input from other Corps of Engineers offices as appropriate, and prepare a final revision of the plan for implementation.

10. **Section 6, Public Law 97-140 amended by Section 1134 (d), Public Law 99-662.** Public Law 97-140 stated that no dock, cabin or appurtenant structures, lawfully installed on or before December 29, 1981, shall be required to be removed before December 31, 1989, from a water resources reservoir or lake project administered by the Secretary of the Army. This law was amended by Section 1134(d), Public Law 99-662, which states that permits for any such facilities that existed as of November 17, 1986, may not be revoked unless the dock or structure presents a safety hazard or the permittee fails to comply with the conditions of the permit.

The above laws pertain to existing docks under the "grandfather clause" that are located outside shoreline areas allocated as Limited Development for private docks. When such a dock presents a safety hazard or the permittee fails to comply with permit conditions, all deficiencies must be corrected upon receipt of notice from the Resource Manager. If all unsatisfactory conditions are not corrected within the specified time period, the permit will be revoked, the dock must be removed, and another permit or outgrant will not be issued.

11. **Shoreline Allocations.** The shoreline of Cheatham Lake is allocated to the following categories: Prohibited Access Areas, Public Recreation Areas, Protected Shoreline Areas, or Limited Development Areas. These allocations are shown on the official Shoreline Allocation Maps kept at the Resource Manager's Office. Individuals are encouraged to consult these maps before making a final decision on real estate adjoining the project. This will ensure that they are looking at the proper location on the map and they understand all of the requirements and conditions for private use privileges on the shoreline. Any changes in the maps

resulting from updates of the Shoreline Management Plan will be described in appropriate mailings, news releases, or notices.

a. Prohibited Access Areas. These are areas that are established for the physical safety of the public. Private exclusive use privileges are not allowed in these areas. The following areas are within this classification:

(1) The lock, dam, and power plant, including the event-restricted safety zones upstream and downstream. (Visitors in boats in the tailwater area are required to wear life jackets within the posted area.)

(2) The service compounds, including the warehouse storage areas and maintenance shop facilities.

(3) The power plant switchyard.

b. Public Recreation Areas. Public Recreation Areas include recreation and launching areas administered by the Corps of Engineers, city/county parks, and public marinas. These areas have been developed around the lake in accordance with the project Master Plan to provide for the recreational needs of the general public. The Cheatham Lake Master Plan and Operational Management Plan, Part II, contain descriptions of these areas. Shoreline use permits will not be granted in these areas. Future recreation areas are also included in this classification.

c. Protected Shoreline Areas. These are areas that have been established to retain the natural, undeveloped character of the shoreline, protect fish and wildlife habitat, maintain shoreline aesthetics, prevent erosion, and protect other environmental values of the lake. The ultimate goal in these areas is to protect them from private exclusive uses that would be contrary to the long-term, best interests of the entire general public.

Other considerations for including shoreline areas in this classification are terrain, wind, lack of access, wave action, navigation concerns, water depths, and other physical factors that make private moorage impractical.

Pedestrian access, boating, fishing, hiking, hunting, photography, and other recreational activities are allowed on waters and public lands in these areas as long as they are compatible with the protection of the shoreline and federal and state hunting, fishing, and boating laws. Access paths, buried water pipelines, shoreline stabilization, and hay and/or grazing

leases may be authorized on public property in Protected Areas upon receipt of proper permits or real estate outgrants obtained through the Resource Manager. Private docks and/or residential mowing or underbrushing privileges are not permitted in Protected Areas.

d. Limited Development Areas. This classification refers to areas where shoreline use permits for private floating docks and/or mowing privileges may be granted to adjacent private property owners. The Limited Development Areas are further classified according to the type of private use authorized. The two sub-classifications are (1) Private Docks and Mowing and (2) Mowing Only. The Limited Development Areas are shown on the Shoreline Allocation Maps located in the Resource Manager's Office. On flowage easement lands, the Limited Development classification applies to private docks only. Permits are not required from the Corps of Engineers for the establishment or removal of vegetation on the shoreline in flowage easement areas. However, the Refuse Act (Section 13 of the Rivers and Harbors Act of 1899) prohibits interfering with navigation by felling trees or other vegetation into any navigable waterway or leaving materials that have been cut where high waters may wash them into the waterway.

12. Permits Required. The items mentioned in this plan are approved by a shoreline use permit, real estate outgrant, or Department of the Army permit. All applications for privileges or work on public lands, waters, or flowage easement property, shall be made through the Resource Manager. Applications for activities that require action by the Real Estate Division or Regulatory Branch will be forwarded to the District office in Nashville, with the Resource Manager's recommendation, for appropriate action.

13. Shoreline Use Permits. Shoreline use permits may be issued for private floating docks on the shoreline and mowing privileges on public lands. Any alteration or modification of natural vegetation or landforms on public property at Cheatham Lake is prohibited without the express written approval of the Corps of Engineers. Shoreline use permits are non-transferable. New owners of adjoining private property must submit a complete application to the Resource Manager and, upon approval of the application, pay the required fee. The permit will be issued only after the fee is paid.

14. **Private Dock Facilities.** Private moorage facilities consist of individual docks and community docks, as described below. Applicants must submit a shoreline use permit application with a detailed plan of the proposed facility. Each application will be considered according to location, shoreline and substrate characteristics, water depth, navigation concerns, and impacts on adjacent property owners and the general public. Even though the part of the lake in question may be identified as a Limited Development Area on the Shoreline Allocation Map, this designation does not guarantee that a dock permit will be issued at a specific location within that zone. The Resource Manager will coordinate applications for private docks on the main channel of the lake with the Navigation Branch in the Nashville District Office to ensure the least impact to commercial navigation on that part of the shoreline.

These permits are granted for the moorage of the permittee's boat(s) only. Diving boards, slides, barbecue grills, playground equipment, picnic tables, refrigerators, freezers, or other similar accessories on docks are prohibited.

a. **Individual Docks.** To be eligible for a new individual private dock, an applicant must own in fee simple title, or as a minimum lease for at least five years, a private real estate parcel that (1) contains a permanent dwelling that conforms to local residential building permit and sanitary standards and (2) directly adjoins public land and/or water at the proposed dock location. In shoreline areas where the government owns a flowage easement estate, the applicant's parcel must include the property underlying the flowage easement. Owners or lessees of vacant lots or lots with only recreational vehicles, sheds, barns, or similar structures do not qualify for private dock privileges. The Resource Manager may require submission of a copy of the applicant's legal deed or lease to determine permit eligibility.

In any circumstance, the applicant's approved dwelling site cannot be separated from public land and/or water by a public roadway or other intervening private parcel. An access lane or other fragment of private property too small to meet the criteria for a residential building permit will not be sufficient to establish eligibility for a private dock, even if it is included in the deed description of a larger parcel on the opposite side of the roadway.

The site must be within a Limited Development area approved for private docks. Only one dock will be permitted per individual at a single location. This means that an individual with a large parcel or group of contiguous lots or parcels of private property

adjoining public land and/or water will be permitted one dock, regardless of total lake frontage. The permittee will be responsible for all watercraft moored at the dock. A permitted private dock may not be rented, leased, or otherwise let out to others.

(1) Location. Generally, a new individual dock should be constructed within the limits of the shoreline defined by the shortest possible lines from the adjoining private property corners to the shoreline at normal pool elevation. The dock must also be located at least 50 feet away from any other dock. The Resource Manager or his or her representative will approve the exact location of the facility. Whenever possible, a location will be selected which will allow neighboring adjacent landowners to qualify for private moorage privileges also.

(2) Size. Docks or boats moored to them should not extend more than 50 feet in a direction perpendicular to the shoreline. If the dock is in a cove or deepened creek channel, the structure and boats moored to it may not exceed one-third the width of the cove or creek. The maximum allowable total surface area of docks with slips is 700 square feet, excluding the access walkway, but including the slip(s) and any boats moored to the perimeter of the dock. Docks without slips must be open structures not exceeding 350 square feet in surface area. Additionally, a structure of this type, combined with the boat(s) moored to it, cannot occupy more than 700 square feet of water surface. The maximum allowable width (i.e., distance parallel to the shoreline) for individual private docks is 40 feet. Floating platforms, rafts, decks, etc., which do not have enclosed hulls or are not designed and used primarily for recreational navigation will be considered a part of the dock structure. The surface area of such structures will be counted toward the total square footage limitation for the dock, regardless of the method of attachment or the presence of a boat motor or state boat registration numbers. A boatlift may be allowed in conjunction with an approved dock; the space occupied by the lift will be counted toward the size limitation of the dock. Moorage facilities or spaces for personal watercraft are also considered part of the dock structure.

The Resource Manager may reduce the size limits of the private dock further if necessary to protect navigation interests or public recreational use of the lake. Also, if an applicant has an existing private launching ramp on flowage easement property on the upper section of the lake or applies to construct one, the Resource Manager will limit any private dock requested at the same site to an open courtesy float of not more than 160 square

feet (excluding the walkway). Courtesy floats are associated with temporary rather than permanent moorage.

(3) Construction Criteria.

i. Fixed piers or docks are strictly prohibited. Floating docks must be properly constructed and firmly secured in place. Spud poles, cables, outrigger arms, or a combination of these devices may be used. Cables and outrigger arms must be securely attached to anchors on the shoreline. If spud poles are used, they must be long enough to allow for upward fluctuation of the lake during high flow conditions. If it becomes necessary to remove or relocate a dock that is secured with spud poles, the owner of the structure must remove the old spud poles. Docks cannot be moored to trees.

ii. The unprotected bead-board flotation blocks formerly used in dock construction have caused problems in area lakes. When the surface of such material is not properly coated or encased to prevent deterioration, the beads break down and create unsightly drift that is very difficult to clean up. Birds and fish may also consume this drift. This type of flotation is susceptible to damage by waterfowl, muskrats, and beavers, and it is readily harmed by petroleum products such as oil and gasoline.

Therefore, flotation for all private docks must meet standards designed to increase the safety of project visitors and the protection of natural resources. The current standards for flotation are specifically described in Shoreline Use Permit Condition No. 14 (Appendix A). Existing dock flotation approved by a previously issued shoreline use permit and currently in place on the lake will be allowed to remain, but when no longer serviceable, must be replaced with approved materials.

iii. Steel, aluminum, concrete, fiberglass, pressure-treated wood, or combinations of these are acceptable building materials for private docks. A roof may be authorized on a dock with a slip for the sole purpose of protecting the applicant's boat(s); however, a flat roof that could serve as a sun deck, patio, or storage area will not be allowed. Roof overhangs on docks cannot exceed three feet. Enclosed boathouses will not be permitted. Handrails may be installed for safety. A storage compartment not to exceed 50 cubic feet may be constructed on the dock to store equipment related to boating. However, the storage compartment may not be constructed to act as an enclosing wall on the dock.

iv. If the dock is painted, it should be a subdued or earth tone color (e.g., green, brown, or tan). A permit tag furnished by the Resource Manager must be displayed on each dock so that it can be easily seen from the waterway. Safety reflectors with a color other than red or green must be installed on the lakeward corners of new private docks. Such reflectors must also be placed on existing docks upon permit reissue following a change in ownership. The permittee must maintain the structure in a safe and structurally sound condition. See Paragraph 18 for safety requirements concerning electrical installations associated with private docks.

(4) Boat Dock Applications Upstream of River Mile 193.8. Applications for private docks on the main navigation channel upstream of Cumberland River Mile 193.8 (Shelby Park Trestle) will be carefully evaluated. The width of the channel, proximity of bends in the channel, and presence of heavy wake conditions produced by commercial barge tows and other vessels will be considered to determine if a dock is suitable in the location requested.

If a dock is allowed in the location requested, the size should be limited to the minimum necessary to accommodate the applicant's boat. If he or she determines that conditions warrant, the Resource Manager may restrict the overall size of a proposed structure. The length (i.e., distance perpendicular to the shoreline) shall be held to the minimum necessary to achieve sufficient water depth, so as to avoid interfering with navigation. However, the dock and/or boats moored to it should not exceed 50 feet in length. To resist the large drift and high flows that occur during flood events, the cables, outrigger arms, deadman anchors, and other components that hold the dock in place must be of heavy-duty construction. The Resource Manager may require the applicant to provide information on component size, breaking strength, and other factors.

b. Community Dock Associations. A community dock can reduce the visual and physical impacts of private development along the shoreline by replacing a potential string of scattered individual docks with one centralized facility. Property owners who qualify for individual docks can benefit from a community dock association in several ways. Overall construction and maintenance costs per person are generally lower for a community dock than for a separate individual dock. Electrical installation, maintenance, and inspection costs would also be lower per person in the case of a consolidated dock. The permit cost is reduced because only one facility, and consequently one

shoreline use permit, is needed to serve several adjoining property owners.

A community dock is owned by the community association, not the individual members. Individual slips may not be rented or sold, nor may any other commercial activity be associated with operation of the facility. Like individual docks, community facilities and boats moored to them should not extend more than 50 feet perpendicular from the shoreline, or more than one-third the distance across a cove or deepened creek channel. The construction requirements are the same as for private individual docks. The community dock must be located within the limits of an area defined by the Resource Manager or his or her representative so that it is at least 50 feet away from any other existing dock. Community docks will be permitted only in shoreline areas allocated as Limited Development for private docks. A community dock may only accommodate individuals who own property contiguous to public lands and/or waters allocated as Limited Development for private docks.

The following guidelines apply to establishing an incorporated community dock association:

(1) The applicant for a community dock must be a legal non-profit corporation. Copies of the state certificate of incorporation, the corporate charter, corporate by-laws, and a list of officers and members (names, addresses, phone numbers, and subdivision lot numbers) must be submitted with the application. Boat registration numbers of vessels to be moored at the facility must be made available upon request. The charter must state that, "the purpose for which the corporation is organized is to obtain a permit from the U.S. Army Corps of Engineers to construct and maintain a private dock facility, and not to engage in any activities which are inconsistent with local, state, or federal laws."

(2) The corporate by-laws must clearly state:

- i. The qualifications for participation.
- ii. Evidence of membership on a non-discriminatory basis.
- iii. Procedures for utilization by members, routine maintenance, and removal of inoperable or ineligible vessels.

iv. The schedule for regular meetings, and procedures to deal with problems occurring between scheduled meetings.

(3) The corporation must submit a shoreline use permit application with detailed plans showing the location of the facility on the shoreline and the type of construction. No deviation from the approved plans is allowed without the prior written approval of the Resource Manager.

(4) The responsible corporate representative must sign a statement certifying that the rules and conditions covering the issuance of the permit have been read, understood, and agreed to by all members.

15. Mooring Posts. In some cases, applicants may not wish to construct a dock, but simply want to moor their boat to the shoreline on a regular basis. A small mooring post may be approved if the applicant meets all the requirements for a private dock permit. Shoreline use permits for mooring posts will be issued only in Limited Development Areas approved for private docks. The post must be a minimum of 4 x 4 inches, and treated to resist rotting. The post must also be sufficient to secure the boat adequately under high wind or wake conditions. The Resource Manager or his or her representative will determine the location and maximum height of the post and the maximum size of the recreational vessel to be moored at the site. The post must be properly maintained and kept completely visible so a tripping hazard does not result. A permit tag will be placed on the post so that ownership can be determined.

16. Mowing. In Limited Development Areas, adjoining private property owners may apply for a shoreline use permit to mow or remove underbrush on the public property between their property and the lake. Dense undergrowth can be removed, but cutting trees greater than one inch in diameter is prohibited. The type of vegetation to be removed must be clearly specified in the individual's mowing plan and approved by the Resource Manager before any work takes place. The use of bulldozers, graders, or similar mechanized equipment to clear vegetation on public land is strictly prohibited. The Resource Manager or his or her representative will specify the limits of clearing in areas previously unmowed. The planting of native trees and shrubs in natural patterns on public property is encouraged. The species to be established and their proposed locations must also be

indicated on the individual's plan. All planting work must be approved by the Resource Manager.

An easily recognizable boundary line between public property and adjoining private property is beneficial to the Corps of Engineers and private owners alike. Further, a well-delineated boundary allows the general public to determine the extent of public shoreline property accurately. Therefore, individuals who have a shoreline use permit for mowing must mark the line between their property and public property by one or a combination of the following methods:

a. Plant and maintain native trees or shrubs on or near the private property corners at the public property line.

b. Maintain a birdhouse or feeder attached to a wooden post, 4 x 4 inches, set on or near the private property corners at the public property line. If practical, a property line sign will be attached to each post.

c. Plant and maintain a solid hedgerow of native plants along the public property line.

d. Construct a fence or wall on private property next to the public property line.

The Resource Manager must approve the method of delineation. In areas where the Resource Manager or his or her representative determines that the planting of additional vegetation is impractical, the public property line will be marked with Corps of Engineers property line signs and/or trees blazed with yellow or white paint.

17. **Other Activities Approved by the Resource Manager.** All alterations and modifications of public lands surrounding Cheatham Lake are prohibited without the express written approval of the Corps of Engineers. However, the removal of drift, debris, and any form of trash or garbage by hand is encouraged and can proceed without advance notification to the Resource Manager. Applications for the following land-based privileges must be submitted to the Resource Manager before any work is performed:

a. Access Paths. The Resource Manager may authorize a meandering path not to exceed four feet in width to facilitate pedestrian access to the lake. The removal of trees to construct the path will not be allowed, and the path must blend in with the

natural terrain. The use of natural material for stepping stones will be allowed if such material is placed flush with the ground and the resulting appearance is not that of a sidewalk. Access paths across public property will be restricted to pedestrian use and will be available for the use of the general public. This does not include the construction of concrete, metal, or wooden walkways, stairs, or steps on public property. Such structures require a real estate license and are approved on a case-by-case basis in Limited Development Areas approved for private docks only.

b. Special Activities. The Resource Manager may authorize the removal of dead or damaged trees, downed trees, or selected standing trees, and minor filling of holes and eroded drainage areas on public lands if he or she determines that the continued existence of such conditions constitutes a bonafide safety hazard. These activities will be considered on a case-by-case basis. In no event will permission be granted to cut a healthy tree when the relocation or modification of a private structure is feasible. Generally, when a standing living tree is allowed to be removed, a suitable native replacement tree must be planted somewhere on public property. The planting of native trees and shrubs, particularly species beneficial to wildlife, is encouraged on public lands.

18. Activities Requiring Real Estate Instruments. Items that involve structures on public property or changes in landforms are covered by a lease, license, easement, or other legal real estate outgrant issued by the Corps of Engineers. Commercial development activities on public property (i.e., marinas) require a lease. Minor privileges, such as water or electrical lines, steps, and marine railways on public property are covered under a five-year real estate license. Certain types of structures on flowage easement property may be authorized by a consent to easement.

a. Electrical Safety and Compliance. Electrical installations that provide power to private docks, water withdrawal pumps, marine railway winches, personnel lift hoists, and other private structures on public lands and/or approved floating facilities must be weatherproof and meet all current applicable codes and regulations. The electrical service must be inspected and certified by the state or municipal electrical inspector who has jurisdiction for the area, and a copy of the electrical inspection certificate (or other official approval document) must be furnished to the Resource Manager before final approval of the shoreline use permit or real estate outgrant.

Reinspection and submission of a new valid electrical inspection certificate to the Resource Manager will also be required:

(1) Every five years when the shoreline use permit for the dock and/or the real estate license is due for renewal.

(2) If the existing electrical service is modified (e.g., rewired or outlets added).

(3) If a new adjoining private property owner applies to continue use of existing electrical facilities on public lands or waters.

b. Electrical Lighting and Equipment for Private Docks. Electrical equipment may be permitted in conjunction with a private dock provided that its installation does not pose a safety hazard or conflict with other recreational use. Electrical lights and outlets on public property will be approved and allowed to remain in place for the sole purpose of providing lighting or power for a permitted private dock. The dock service must include a quick-disconnect fitting mounted outdoors, within 50 feet of the dock, and above flood elevation. In case of emergency, this quick-disconnect switch must allow power to be safely shut off without having to enter the dwelling.

All new electrical lines on public lands must be installed underground. Existing overhead electrical lines will be allowed to remain, as long as they meet all applicable electrical codes, regulations, and guidelines, to include compatibility and safety related to fluctuating water levels. Electrical lines or fixtures cannot be attached to trees on public lands. The Resource Manager or his or her representative must approve the location of all security lights on public lands. Usually the preferred location for a light fixture on a pole is near the walkway of the dock.

Upstream of the Cheatham-Davidson County Line, electrically equipped private docks on public waters must also conform to all current applicable electrical codes and regulations. Dock owners must fulfill the above requirements for installation of a quick-disconnect fitting, inspection of the electrical service, and submission of a current copy of a valid inspection certificate to the Resource Manager (Paragraphs 18a and 18b).

Because of the potential hazards of electrical shock, the Resource Manager will require removal of any electrical equipment from floating facilities and/or public lands if the installation

cannot be certified or has deteriorated to an obviously hazardous condition.

c. Water Withdrawal Pipelines. Applications for licenses for water withdrawal pipelines on public property will be considered if the total quantity of water to be drawn from the lake does not adversely affect project operations. All water pipelines will be buried except where the Resource Manager or his or her representative determines that natural conditions preclude such installation. Water pumps that are not of submersible design must be located on private property or on a permitted private dock.

d. Marine Railways.

(1) A license for construction of a marine railway on public property may be granted in lieu of a shoreline use permit for a private dock. A Department of the Army permit is also required. The applicant must own property adjoining public property in a Limited Development Area approved for private docks. The exact location and width of the railway must be approved by the Resource Manager or his or her representative. The marine railway must conform to the natural contour of the ground. The facility must be constructed and anchored so that it does not create a safety hazard or restrict use of public property. The construction of a fixed pier or similar structure in conjunction with the marine railway is prohibited. Boats must be stored on private property.

(2) A marine railway may be constructed in the upper portion of the lake where the government holds only flowage easements along the shoreline instead of installing a private floating dock. In relatively narrow main channel reaches where strong currents and heavy wake conditions may be present, the marine railway can be a very desirable alternative to a dock. The structure should conform to the natural contour of the ground and must be constructed and anchored so that it does not create a safety or navigation hazard. The construction of a fixed pier or similar structure in conjunction with the marine railway is prohibited. The installation of a marine railway on flowage easement property may be approved under a consent to easement (Paragraph 18h). A Department of the Army permit is also required.

e. Personnel Lifts. Licenses for the construction of personnel lifts or similar structures on public property may be permitted in special situations (i.e., for disabled persons). These licenses are not transferable. The requests will be

considered on a case-by-case basis. The size of such facilities will be limited in order to minimize impact on the shoreline.

f. Hay and/or Grazing Leases. These leases may be issued for hay and/or grazing purposes on public lands. The Resource Manager will determine if an area is available for these uses and fix the boundaries of the area to be leased. All use of the area must comply with the terms and conditions of the lease. Hay and/or grazing leases will not be issued for residential mowing purposes. Leased areas will remain open for the recreational use of the general public.

When existing leases expire, they will be evaluated to determine if further leasing is appropriate. The Resource Manager may withdraw all or a portion of the leased acreage to establish natural forest cover or open wildlife habitat.

g. Steps and Walkways. Licenses for steps or walkways on public lands may be granted for the purpose of providing safe access to permitted private docks. These licenses will be considered on a case-by-case basis. Pressure-treated wood or landscaping timbers are recommended to minimize aesthetic impacts. However, in any case, the materials to be used and overall design must be approved by the Resource Manager before construction.

h. Consent to Easement Instruments. The placement of certain types of structures (not for human habitation) on flowage easement property may be allowed on a case-by-case basis provided the work does not interfere with the intent of the flowage easement estate.

19. Department of the Army Permits. Activities involving excavating/dredging the lake bottom; stabilizing the shoreline; or constructing outfalls, intakes, pipeline or electrical line crossings, marine railways, barge terminals, barge fleeting areas, etc., require Department of the Army permit approval under Section 10 of the Rivers and Harbors Act of 1899. Activities involving the deposition of dredged or fill material into the lake, or into surface streams or wetlands in its watershed, require permit authorization under Section 404 of the Clean Water Act. Some categories of work have previously been authorized under provisions of nationwide or regional permits (general permits) so that an individual Department of the Army Permit may not be required. Other applications involving more extensive work, public controversy, or potentially substantial adverse environmental impacts usually require individual permit

authorization. This involves a thorough public interest review process that takes longer and could ultimately result in denial of the application. Therefore, all applications should be submitted to the Resource Manager as far in advance of the proposed work as possible.

a. Dredging. Applications for dredging are accepted in Limited Development Areas approved for private docks to provide sufficient water depths. All dredged material must be placed as directed by the Resource Manager or his or her representative. The plans submitted with the permit application must specify the proper disposal site and measures to control erosion and sediment runoff from dredged material.

b. Shoreline Erosion Control.

(1) Shoreline erosion control is encouraged. The placement of quarry-run stone (referred to as riprap) is a common method of controlling erosion that can also benefit aquatic habitat conditions. Generally, the stone should be of the largest practicable average diameter. The Resource Manager will set the minimum size of stone to be used and require a method that will minimize destruction of vegetation along the shoreline. In all cases, riprap must be placed along the existing shoreline; no land reclamation or construction of jetties will be allowed. Public property disturbed by equipment used for the placement of riprap must be leveled, seeded, mulched, and replanted with trees (if required) to restore vegetative cover to the shoreline. Most riprap applications can be approved under a Nationwide Department of the Army Permit. Proposed riprap placement in excess of 500 feet along the shoreline or in an amount greater than one cubic yard per linear foot (below the waterline) requires additional coordination and processing.

(2) In some cases, vegetative (biotechnical) measures can also be used to retard shoreline erosion. This is an alternative approach that combines mechanical and vegetative means to stabilize a site. Examples of biological stabilization techniques include brush layering; placement of wattlings, fiber mats, or fiber rolls; construction of cedar tree revetments; and planting native aquatic or riparian species. The black willow, which roots easily, is particularly suitable for biotechnical work. Other desirable shoreline plantings include red maple, silver maple, green ash, sycamore, river birch, alder, buttonbush, sweetgum, stiff dogwood, and silky dogwood.

The use of biotechnical measures results in a more natural shoreline appearance. Also, the vegetation helps stabilize the

soil and intercept sediment runoff. The Resource Manager or his or her representative will assist applicants in planning this type of stabilization work.

(3) The construction of retaining walls is discouraged. This method of erosion control is often more expensive to construct and maintain than riprap, and it eliminates habitat for aquatic life. Experience has shown that many existing walls on area lakes were not adequately constructed and are subject to cracking and undercutting. To be considered for approval, a proposed retaining wall must be the only practicable alternative, and meet established guidelines, which include proper footing, drainage behind the wall, and use of tieback anchors. Design and materials must be approved in advance by the Resource Manager. Railroad ties, utility poles, or concrete blocks are unsatisfactory materials for retaining wall construction. The placement of riprap at the base of wall may be required in order to compensate for adverse impacts to aquatic habitat and increase the stability of the structure. Retaining walls may not be used to reclaim land or otherwise increase the extent of available shoreline.

20. **Duration of Shoreline Use Permits.** Shoreline use permits will normally be issued for a five-year term. Permits can be suspended or revoked by the Resource Manager at any time for non-compliance with permit conditions, or if it becomes necessary to protect the overall public interest.

21. **Consolidation of Real Estate Licenses and Shoreline Use Permits.** If the same individual holds a shoreline use permit and one or more real estate licenses, the terms will be adjusted to the extent possible so that the permit and all licenses issued to an individual expire on the same date. This may involve issuing a permit or license for an initial term of less than five years. After their terms are synchronized, the shoreline use permit and license(s) would run concurrently for five-year periods thereafter.

22. **Fees.** A non-refundable administrative fee will be charged for shoreline use permits. Real estate outgrants will be assessed a separate fee appropriate to the type of use granted plus an administrative charge. A schedule of current fees

charged for activities mentioned in this plan is available at the Resource Manager's Office.

23. **Existing Enclosed Boathouses.** Existing enclosed boathouses that were lawfully installed prior to the original Cheatham Lake Lakeshore Management Plan in 1979 will be allowed to remain in their present condition. When they change ownership, however, the new applicant will be required to modify the dock to create an opening such as a window or fenced door. This will allow the interior of the structure to be readily inspected to ensure that it is not being used as a floating cabin or does not contain facilities such as refrigerators, stoves, toilet facilities, etc., that are conducive to human habitation.

24. **Privately Owned Sanitary Facilities on Adjoining Property.** Septic tanks, drain fields (leach beds), and other sanitary facilities on adjoining private property are regulated by the Tennessee Department of Environment and Conservation, Division of Groundwater Protection. The construction or installation of a new privately owned septic tank, drain field, or holding tank on public property is prohibited. However, the Resource Manager may consider an application for the expansion of an existing sanitary drain field provided all the following conditions are met:

a. Site conditions on public property are suitable for expansion of the drain field, and public recreation would not be adversely affected.

b. The existing facility on adjoining private property is not functioning properly and is a potential source of water pollution.

c. The state environmental specialist responsible for the area provides written documentation that no suitable location for expansion of the existing inadequate sanitary drain field exists on private property and no other reasonable alternative for disposing of the waste from the affected residence is available.

A real estate outgrant will be required for a privately owned sanitary drain field on public property.

25. **Prohibited Items.** Public lands around Cheatham Lake are dedicated to full and free use by the general public. Private

exclusive uses not specifically authorized herein are prohibited. Prohibited items on public property include, but are not limited to:

- a. Structures, including patios, fences, buildings, sheds, barbecue grills, satellite dish antennas, playground equipment, pet houses or pens, tanks, or planters.
- b. Flower beds, gardens, and orchards.
- c. The spreading of sand to construct a beach, or placement of gravel, concrete, or any other material to construct a private ramp.
- d. The storage of any object including firewood, boats, trash cans, scrap material, etc.
- e. The disposal of litter, leaves, trash, refuse, scrap materials, or any other debris. This prohibition includes burning household trash, garbage, refuse, etc., on public lands.

The owner will be required to remove all unauthorized structures, private items, trash, litter, and debris from public property. Prohibited items are subject to impoundment and removal by the Corps of Engineers at the owner's expense.

26. **Boundary Line Encroachments.** The public property line around the lake has been established and marked with concrete monuments, signs on metal or wooden posts, and painted blaze marks on trees. These painted blaze marks are placed on the side of the tree trunk that faces the property line. Thus, the blaze marks should be used as approximate indicators of the actual property line, which runs in a straight line from monument to monument.

Even in the absence of such government markers, it is the responsibility of each adjoining property owner to know the exact location of his or her own property lines and corners. The Resource Manager can provide information on the public property line, including scheduling an on-site visit by a ranger. Construction on, or alteration of, public lands can be avoided by proper research and planning to prevent costly removal of private structures and/or after-the-fact restoration of public property. Removal or alteration of public property line markers or survey points is expressly forbidden and may result in legal action against the responsible party.

27. **Navigation Guidelines for No-Wake Areas.** The U.S. Aids to Navigation System on the Western River System and the Uniform State Waterway Marking System specify the accepted navigation and regulatory markers on Cheatham Lake. No-wake areas may be approved for marinas, certain public boat launching areas, and other areas after a review to determine the impact on navigation. These matters will be coordinated with TWRA, which has final approval over designation of all no-wake areas in the State of Tennessee and primary responsibility for enforcement of those areas. In general, private parties will not receive approval to locate "no-wake" or other restrictive buoys or signage in public waters.

28. **Duck Blinds.** TWRA regulates all permanent duck blinds on public lands and waters between Cheatham Dam and the State Route 49 Bridge in Ashland City. TWRA issues the permits required for these structures at a public drawing held on the first Saturday of August each year.

With the exception of the area under license to TWRA upstream of the old railroad trestle on Marrowbone Creek, the Resource Manager will consider applications for seasonal duck blinds on the public property located between the State Route 49 Bridge and the Cheatham-Davidson County line on a case-by-case basis. Public safety, access, terrain, proximity to other structures, impact on protected species or sensitive habitats, compliance with state and federal wildlife regulations, and other pertinent factors will be evaluated. Temporary blinds, which consist of cane, brush, and other natural materials, may also be approved on public property in this area. Temporary blinds are associated with a single, or one-day hunt, and cannot be constructed of man-made materials. No natural vegetation may be cut or otherwise disturbed on public lands for construction of temporary or seasonal blinds without the express written permission of the Resource Manager.

29. **Grandfathered Privileges.** In an effort to implement this plan fairly with regard to existing private use on public lands, the Resource Manager will honor all prior commitments of the government. The "grandfather clause" is a provision which allows existing land-based privileges of a type no longer permitted to be continued by the individual who originally obtained the permit or real estate outgrant, provided he or she adheres to all terms and conditions of the permit or outgrant. Such permits or outgrants will remain in effect until:

a. The transfer of ownership of the individual's adjoining private property.

b. The death of the individual and spouse.

c. Permit or outgrant conditions are violated and not corrected upon reasonable notice.

d. The individual voluntarily discontinues the private use covered by the grandfather clause.

When any of these events occur, the permit or outgrant becomes null and void. Any future private use on public property at that location must conform to current requirements of the Shoreline Management Plan. (See Paragraph 10 for policy on existing permitted docks that are not located in Limited Development Areas approved for private docks).

30. **Appeals Process.** Most problems concerning shoreline management can be resolved at the local level through the Resource Manager. If a problem cannot be resolved at this level, documentation of the dispute may be forwarded to the district engineer for review. The review will focus on any procedural deficiencies in the Resource Manager's decision, or conflicts with the decision and the Shoreline Management Plan. The decision of the District Engineer is final.

31. **Procedures for Items Not Otherwise Covered in this Plan.** There may be occasions when requests for privileges or work within the scope of shoreline management arise that are not specifically addressed in this plan. If this occurs, the Resource Manager will take the following actions:

a. Review the request for general conformance with the objectives and intent of the Shoreline Management Plan. Consider whether the request is likely a one-time event or a potentially recurring demand.

b. If the request is probably a one-time event and a decision concerning the proposed activity could clearly be shown to be either contrary to, or not contrary to, the overall public interest in light of the objectives of the Shoreline Management Plan, the Resource Manager will approve or deny the request in a timely manner and document the administrative file as to the nature of the request and reasons for the decision made.

c. If the request would likely be of a recurring nature, in addition to making a determination and taking action as in Paragraph b, above, the Resource Manager will furnish a copy of the documentation to the Nashville Area Operations Management Office and Natural Resources Management Branch, Nashville District Office. He or she will also submit a proposal of how such requests should be addressed in updates to the Shoreline Management Plan.

d. If a request is highly controversial, could impact the administration of the shoreline management program by setting a precedent for similar proposals, or is not clearly in, or contrary to, the overall public interest, the Resource Manager will forward the request to the above offices for review and mutual determination as to the proper course of action. The applicant will be advised in a timely manner as to the status of his or her request and informed of the anticipated date of a decision on the request. Once a decision is made, the Resource Manager will draft text to be included in updates to the Shoreline Management Plan to address similar requests and submit this information to the above offices for review.

32. **General Evaluation of the Plan.** This Shoreline Management Plan is intended to provide optimum benefits to the general public and to conserve the natural resources of Cheatham Lake. Present and future recreational needs of the general public and environmental considerations were evaluated in the formulation of the plan. This Shoreline Management Plan will be reviewed periodically, but no less often than every five years, to determine the need for an update. This Plan is prepared as an appendix to Part II of the Operational Management Plan of Cheatham Lake.

33. **Public Involvement.** Cheatham Lake personnel are available to address any questions concerning the Shoreline Management Plan. The Resource Manager will hold public meetings or workshops to seek public input and involvement for any major update in the Shoreline Management Plan or the project Master Plan. This will also apply to major policy revisions that affect changes in land use and/or impact a large number of people.

Shoreline Use Permit Conditions

1. This permit is granted solely to the applicant for the purpose described on the attached permit.

2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.

3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.

4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.

5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.

6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.

7. Ownership, construction, operation, use, and maintenance of a permitted facility and/or activity are subject to all applicable federal, state and local laws and regulations.

Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.

8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.

9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.

10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.

11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.

12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.

13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.

14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or noncompartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.

16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.

18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

19. No change in landform such as grading, excavation or filling is authorized by this permit.

20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.

21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.

22. Notwithstanding the conditions cited in Condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.

23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate federal, state and local laws, rules and regulations.

24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.

25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.

26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the resource manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.

27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

28. Diving boards, slides, barbecue grills, playground equipment, picnic tables, refrigerators, freezers, or other similar accessories on docks are prohibited.

29. Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters except for those items specifically prescribed in the permit.